

REPORTS ANALYSIS DIVISION REFERRAL
TO
ALTERNATIVE DISPUTE RESOLUTION OFFICE

DATE: May 21, 2014

ANALYST: Nataliya Ioffe

- I. COMMITTEE: Kerry Bentivolio for US Congress
C00504035
Timothy Witt, Treasurer (9/13/12 - present)
Kerry Bentivolio, Treasurer (10/11/11 - 9/12/12)
P.O. Box 886
Walled Lake, MI 48390
- II. RELEVANT STATUTES: 11 CFR § 104.3(a) and (b)
2 U.S.C. § 434(b)(2) and (4)

III. BACKGROUND:

Failure to Provide Supporting Schedules (Failure to Disclose All Financial Activity)

Kerry Bentivolio for US Congress ("the Committee") amended its 2012 April Quarterly and 2012 July Quarterly Reports to disclose additional receipts of \$1,588.63 and additional disbursements of \$62,955.44, which were not disclosed in the original reports (Attachments 2, 3 and 4).

2012 April Quarterly Report

On April 13, 2012, the Committee filed the original 2012 April Quarterly Report covering the period from January 1, 2012 through March 31, 2012. The report disclosed \$2,806.34 in disbursements on Line 17 (Operating Expenditures) and no disbursements on Line 19(a) (Loan Repayments of Loans Made or Guaranteed by the Candidate) of the Detailed Summary Page (Image 12970934110).

On July 15, 2012, the Committee filed an Amended 2012 April Quarterly Report. The report disclosed \$3,210.85 in disbursements on Line 17 and no disbursements on Line 19(a) of the Detailed Summary Page (Image 12952492484).

On September 12, 2012, the Committee filed an Amended 2012 April Quarterly Report. The report disclosed \$3,325.51 in disbursements on Line 17 and \$50,000.00 in disbursements on Line 19(a) of the Detailed Summary Page, a total increase in disbursements of \$50,519.17 from the original report (Image 12972179590, Attachment 4).

2012 July Quarterly Report

On July 15, 2012, the Committee filed the original 2012 July Quarterly Report covering the period from April 1, 2012 through June 30, 2012. The report disclosed \$26,501.00 in receipts on Line 11(a)(i) (Itemized Contributions from Individuals) of the Detailed Summary Page (Image 12971461781). The report also disclosed \$17,828.57 in disbursements on Line 17 (Operating Expenditures) and no disbursements on Line 21 (Other Disbursements) of the Detailed Summary Page (Image 12971461782).

On July 18, 2012, the Committee filed an Amended 2012 July Quarterly Report. The report disclosed \$26,501.00 in receipts on Line 11(a)(i) (Image 12952522291). The report also disclosed \$19,021.52 in disbursements on Line 17 and no disbursements on Line 21 of the Detailed Summary Page (Image 12952522292).

On September 12, 2012, the Committee filed an Amended 2012 July Quarterly Report.⁴ The report disclosed \$28,089.63 in receipts on Line 11(a)(i) of the Detailed Summary Page, an increase of \$1,588.63 from the original report (Image 12952908356, Attachment 3). The report also disclosed \$31,277.79 in disbursements on Line 17 and \$180.00 in disbursements on Line 21 of the Detailed Summary Page, a total increase in disbursements of \$12,436.27 from the original report (Image 12952908357, Attachment 4).

On August 3, 2012, Debbie LewAllen, the Committee's compliance specialist,⁵ called the Reports Analysis Division (RAD) Analyst for assistance with correcting reporting issues resulting from challenges in using electronic filing software. She said the Committee would amend reports to fix the discrepancies (Attachment 5).

On August 13, 2012, Timothy Witt, who was assuming the duties of the Committee's treasurer, contacted the RAD Analyst. Mr. Witt asked about the steps for designating a new treasurer and also requested assistance with electronic filing (Attachment 5).

⁴ On December 26, 2012, the Committee filed another Amended 2012 July Quarterly Report. In accordance with the *2011-2012 RAD Review and Referral Procedures*, only the increases in activity on amendments filed during the 2012 election cycle (November 3, 2010 through November 6, 2012) are counted toward the aggregate increase in activity referral threshold.

⁵ In a prior phone communication on January 30, 2012, Ms. LewAllen indicated she would assume the responsibilities of the Committee's treasurer and file an Amended Statement of Organization (FEC Form 1); however, this did not take place (Attachment 5).

On August 24 and 28, 2012, Mr. Witt contacted the RAD Analyst with questions about reporting certain categories of receipts and disbursements (Attachment 5).

On September 6, 2012, Mr. Witt called to inform the RAD Analyst that the Committee would submit amendments to the 2012 reports to correct omissions by the former reports preparer. Mr. Witt indicated he was charged with reviewing the Committee's filings and correcting the discrepancies resulting from the former reports preparer's lack of experience. Mr. Witt also asked about designating a new treasurer on the Statement of Organization (Form 1) (Attachment 5).

On September 13, 2012, the Committee filed an Amended Form 1 designating Mr. Witt as Treasurer (Image 12952913232).

On November 21, 2012, a Request for Additional Information (RFAI) was sent to the Committee referencing the Amended 2012 July Quarterly Report, received September 12, 2012. Among other items, the RFAI requested clarification regarding the substantial increase in receipts and disbursements disclosed on the Amended 2012 April Quarterly and Amended 2012 July Quarterly Reports, received September 12, 2012, that were not disclosed previously (Image 12330016531).

On December 21, 2012, Mr. Witt called the RAD Analyst to ask how to respond to the RFAI regarding increases in activity, sent on November 21, 2012. The Analyst encouraged Mr. Witt to provide a statement explaining why the activity changed after the original filings, and to file additional amendments if other instances of omitted activity were identified (Attachment 5).

On December 26, 2012, Timothy Witt, the Committee's Treasurer, filed a Miscellaneous Electronic Document (Form 99) that stated, in part:

"Prior to my tenure as treasurer for Kerry Bentivolio for US Congress, the reports that were filed with the Commission were not fully complete. I went through each prior filing to verify that all receipts and disbursements were accurately reported. After my review, I amended the following reports on 9/12/2012: April 15 Quarterly, July 15 Quarterly and 12 Day Pre-Primary. After spending considerable time with the former treasurer, my assessment of the situation is that she believed she lacked sufficient information for the reports to be complete but did not want to miss the required filing deadlines. In fact, she amended the April 15 Quarterly and the July 15 Quarter filings after collecting additional information. Also, there were a few typographical errors in the original filings. For example, a \$500 contribution from an individual was originally reported as \$5,000. It is my firm belief that prior treasurer had honorable intentions, worked diligently on her reports, and did the best she was able with the knowledge and resources she had at the time. Since becoming treasurer, I have instituted processes and procedures to enable our reports to be filed not only on a timely basis, but also with all receipts and disbursements fully

disclosed. Additionally, after a further review of the filings in question, I found a conduit contribution in the July 15 Quarterly which was reported but not on the proper line. This has been corrected, and the filing has been amended" (Image 12963868418).

On March 28, 2012, RAD Management contacted Mr. Witt to inform him that the matter of increases in activity on the Committee's Amended 2012 April Quarterly and Amended 2012 July Quarterly Reports would be referred to another Commission office for further action. RAD Management acknowledged the Form 99 Mr. Witt filed on December 26, 2012. Mr. Witt requested to contact him if any additional information was needed in the future (Attachment 5).

To date, no further communications have been received from the Committee regarding these matters.

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O-Index (2013-2014)															
Cmte. ID: C00504035 Cmte. Name: KERRY BENTIVOLIO FOR US CONGRESS															
Treasurer Name: WITT, TIMOTHY Address: P.O. BOX 886, WALLED LAKE, MI 48390															
Cmte. Type: H (HOUSE) Cmte. Designation: A (AUTHORIZED BY A CANDIDATE) Filing Frequency: QUARTERLY FILER															
Form Tp	Rpt Tp	A/I	Receipt Dt	Pgs	Begin Img#	Beg Cvg Dt	End Cvg Dt	Ltr Mail Dt	Begin Cash	Repts	Disb	End Cash	Debits	Loans	Debits & Loans
MS-T			1/10/2013	1	13960338020										
F3N	Q1	N	4/15/2013	26	13961645456	1/1/2013	3/31/2013		\$3,509	\$36,725	\$13,528	\$26,706	\$164,854	\$39,000	\$203,854
F3N	Q2	N	7/15/2013	26	13961645456	4/1/2013	6/30/2013		\$26,556	\$46,970	\$66,633	\$4,892	\$93,907	\$18,000	\$111,907
F3N	Q3	N	10/15/2013	26	13961645456	7/1/2013	9/30/2013		\$2,892	\$8,042	\$8,705	\$8,705	\$99,101	\$18,000	\$117,101
F3N	YE	N	1/31/2014	13	14940307988	10/1/2013	12/31/2013		\$8,715	\$6,530	\$14,071	\$1,173	\$99,101	\$9,500	\$98,601
F2N		N	4/16/2013	1	13961647535										
F2A		A	7/12/2013	1	13964049354										
Total										\$119,059	\$120,893				

O-Index (2011-2012)															
Cmte. ID: C00504035 Cmte. Name: KERRY BENTIVOLIO FOR US CONGRESS															
Treasurer Name: WITT, TIMOTHY Address: P.O. BOX 886, WALLED LAKE, MI 48390															
Cmte. Type: H (HOUSE) Cmte. Designation: A (AUTHORIZED BY A CANDIDATE) Filing Frequency: QUARTERLY FILER															
Form Tp	Rpt Tp	All	Receipt Dt	Pgs	Begin Img#	Beg Cvg Dt	End Cvg Dt	Ltr Mail Dt	Begin Cash	Receipts	Disb	End Cash	Debits	Loans	Debits & Loans
MS-T			12/26/2012	1	12963668418										
F3N	Q1	N	4/15/2012	26	12963668418	1/1/2012	3/31/2012		\$0	\$90,955	\$2,806	\$58,148		\$57,000	\$57,000
F3N	Q2	N	7/15/2012	26	12963668418	4/1/2012	6/30/2012		\$0	\$61,506	\$53,325	\$8,180		\$66,196	\$66,196
F3N	Q3	N	10/15/2012	26	12963668418	7/1/2012	9/30/2012		\$0	\$112,705	\$21,521	\$91,183		\$85,000	\$85,000
F3A	YE	N	1/31/2013	13	12963668418	10/1/2012	12/31/2012		\$8,180	\$99,041	\$33,957	\$73,264		\$73,083	\$73,083
F3A	Q1	A	9/12/2012	17	12972179897	7/1/2012	9/30/2012		\$73,264	\$8,620	\$77,435	\$4,449	\$41,286	\$23,083	\$43,239
F3A	Q2	A	12/26/2012	25	12963668418	10/1/2012	12/31/2012		\$4,201	\$41,206	\$38,000	\$7,406	\$104,398	\$33,083	\$137,481
F3A	Q3	A	4/15/2013	26	12963668418	1/1/2013	3/31/2013		\$4,449	\$41,206	\$38,000	\$7,406	\$104,398	\$33,083	\$137,481
F3A	YE	A	1/31/2014	13	14940307988	10/1/2013	12/31/2013		\$7,406	\$6,530	\$14,071	\$1,173	\$99,101	\$9,500	\$98,601
Total										\$119,059	\$120,893				

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Form	Ip	Rpt	Ip	All	Receipt	Dt	Pgs	Begin	Ingr	#	Begin	Cash	Receipts	Disb	End	Cash	Debits	Loans	Debts	& Loans
F3A	30G	A			12/26/2012	80	12963868338	10/18/2012	11/26/2012		\$82,890	\$140,233	\$219,028	\$4,095	\$188,600	\$41,000			\$229,600	
F3A	30G	A			12/26/2012	80	12963868338	10/18/2012	11/26/2012		\$82,890	\$140,233	\$219,028	\$4,095	\$188,600	\$41,000			\$229,600	
F3N	YE	N			1/31/2013	26	13960778698	11/27/2012	12/31/2012		\$4,095	\$18,536	\$19,121	\$3,509	\$173,359	\$41,000			\$214,359	
F3A	30G	A			12/26/2012	80	12963868338	10/18/2012	11/26/2012		\$82,890	\$140,233	\$219,028	\$4,095	\$188,600	\$41,000			\$229,600	
F1		N			10/11/2011	5	11030674122	11/27/2012	12/31/2012		\$4,095	\$18,536	\$19,121	\$3,509	\$173,359	\$41,000			\$214,359	
F2		N			10/11/2011	5	11030674122	11/27/2012	12/31/2012		\$4,095	\$18,536	\$19,121	\$3,509	\$173,359	\$41,000			\$214,359	
F6N		N			7/23/2012	1	12971832006	11/27/2012	12/31/2012		\$4,095	\$18,536	\$19,121	\$3,509	\$173,359	\$41,000			\$214,359	
F6N		N			7/23/2012	1	12971832006	11/27/2012	12/31/2012		\$4,095	\$18,536	\$19,121	\$3,509	\$173,359	\$41,000			\$214,359	
F6N		N			7/30/2012	1	12971836158	11/27/2012	12/31/2012		\$4,095	\$18,536	\$19,121	\$3,509	\$173,359	\$41,000			\$214,359	
F6N		N			8/3/2012	1	12971840958	11/27/2012	12/31/2012		\$4,095	\$18,536	\$19,121	\$3,509	\$173,359	\$41,000			\$214,359	
F6N		N			8/20/2012	1	12971840958	11/27/2012	12/31/2012		\$4,095	\$18,536	\$19,121	\$3,509	\$173,359	\$41,000			\$214,359	
F6N		N			8/24/2012	1	12972169323	11/27/2012	12/31/2012		\$4,095	\$18,536	\$19,121	\$3,509	\$173,359	\$41,000			\$214,359	
F6N		N			9/5/2012	1	12972174894	11/27/2012	12/31/2012		\$4,095	\$18,536	\$19,121	\$3,509	\$173,359	\$41,000			\$214,359	
F6A		A			9/13/2012	1	12972174894	11/27/2012	12/31/2012		\$4,095	\$18,536	\$19,121	\$3,509	\$173,359	\$41,000			\$214,359	
F6N		N			8/22/2012	1	12972102881	11/27/2012	12/31/2012		\$4,095	\$18,536	\$19,121	\$3,509	\$173,359	\$41,000			\$214,359	
F6N		N			8/22/2012	1	12972102881	11/27/2012	12/31/2012		\$4,095	\$18,536	\$19,121	\$3,509	\$173,359	\$41,000			\$214,359	
F6N		N			8/28/2012	1	12972170419	11/27/2012	12/31/2012		\$4,095	\$18,536	\$19,121	\$3,509	\$173,359	\$41,000			\$214,359	
F6N		N			10/19/2012	1	12940020811	11/27/2012	12/31/2012		\$4,095	\$18,536	\$19,121	\$3,509	\$173,359	\$41,000			\$214,359	
F1A		A			10/22/2012	4	12940373798	11/27/2012	12/31/2012		\$4,095	\$18,536	\$19,121	\$3,509	\$173,359	\$41,000			\$214,359	
F6A		A			10/23/2012	1	12940366921	11/27/2012	12/31/2012		\$4,095	\$18,536	\$19,121	\$3,509	\$173,359	\$41,000			\$214,359	
F6N		N			10/20/2012	2	12960626291	11/27/2012	12/31/2012		\$4,095	\$18,536	\$19,121	\$3,509	\$173,359	\$41,000			\$214,359	
F6N		N			10/23/2012	1	12960684487	11/27/2012	12/31/2012		\$4,095	\$18,536	\$19,121	\$3,509	\$173,359	\$41,000			\$214,359	
F6N		N			10/24/2012	1	12961000216	11/27/2012	12/31/2012		\$4,095	\$18,536	\$19,121	\$3,509	\$173,359	\$41,000			\$214,359	
F6A		A			10/29/2012	1	12961005145	11/27/2012	12/31/2012		\$4,095	\$18,536	\$19,121	\$3,509	\$173,359	\$41,000			\$214,359	
F6N		N			10/25/2012	1	12940445004	11/27/2012	12/31/2012		\$4,095	\$18,536	\$19,121	\$3,509	\$173,359	\$41,000			\$214,359	
F6N		N			11/6/2012	1	12940753447	11/27/2012	12/31/2012		\$4,095	\$18,536	\$19,121	\$3,509	\$173,359	\$41,000			\$214,359	
F6N		N			10/26/2012	1	12940741483	11/27/2012	12/31/2012		\$4,095	\$18,536	\$19,121	\$3,509	\$173,359	\$41,000			\$214,359	
F6N		N			11/4/2012	1	12940751699	11/27/2012	12/31/2012		\$4,095	\$18,536	\$19,121	\$3,509	\$173,359	\$41,000			\$214,359	
F6N		N			10/28/2012	1	12940743907	11/27/2012	12/31/2012		\$4,095	\$18,536	\$19,121	\$3,509	\$173,359	\$41,000			\$214,359	
F6N		N			10/31/2012	1	12961226705	11/27/2012	12/31/2012		\$4,095	\$18,536	\$19,121	\$3,509	\$173,359	\$41,000			\$214,359	
Total											\$589,761	\$586,251								

O-Index (2009-2010)

Cmte. ID: C00504035 Cmte. Name: KERRY BENTIVOLIO FOR US CONGRESS

Treasurer Name: WITT, TIMOTHY Address: P.O. BOX 886, WALLED LAKE, MI 48390

Cmte. Type: H (HOUSE) Cmte. Designation: A (AUTHORIZED BY A CANDIDATE) Filing Frequency: QUARTERLY FILER

Form Ip Rpt Ip All Receipt Dt Pgs Begin Ingr # Begin Cash Receipts Disb End Cash Debts Loans Debts & Loans

No records were found for this cycle.

Kerry Bentivolio for US Congress (C00504035)

Overview of Additional Receipts

Report Name	Total Additional Receipts	Line Number(s)
Amended 2012 July Quarterly Report, received 7/18/12/Amended 2012 July Quarterly Report, received 9/12/12	\$1,588.63	11(a)(i)
Total Additional Receipts	\$1,588.63	

Overview of Additional Disbursements

Report Name	Total Additional Disbursements	Line Number(s)
2012 April Quarterly Report/Amended 2012 April Quarterly Report, received 9/12/12	\$50,519.17	17, 19(a)
Amended 2012 July Quarterly Report, received 7/18/12/Amended 2012 July Quarterly Report, received 9/12/12	\$12,436.27	17, 21
Total Additional Disbursements	\$62,955.44	

Total Increase in Activity on Amended Reports: \$64,544.07

Kerry Bentivolio for US Congress (C00504035)

Additional Receipts by Line Number

Amended 2012 July Quarterly Report, received 7/18/12/Amended 2012 July Quarterly Report, received 9/12/12

Report Line	Amended 2012 July Quarterly Report, received 7/18/12 (Image 12952522291)	Amended 2012 July Quarterly Report, received 9/12/12 (Image 12952908356)	Variance Amount
Line 11(a)(i): Itemized Contributions from Individuals	\$26,501.00	\$28,089.63	\$1,588.63
		Total	\$1,588.63

Kerry Bentivolio for US Congress (C00504035)

Additional Disbursements by Line Number

2012 April Quarterly Report/Amended 2012 April Quarterly Report, received 9/12/12

Report Line	2012 April Quarterly Report (Image 12970934110)	Amended 2012 April Quarterly Report, received 9/12/12 (Image 12972179590)	Variance Amount
Line 17: Operating Expenditures	\$2,806.34	\$3,325.51	\$519.17
Line 19(a): Loan Repayments of Loans Made or Guaranteed by the Candidate	\$0.00	\$50,000.00	\$50,000.00
Total:			\$50,519.17

Amended 2012 July Quarterly Report, received 7/18/12/Amended 2012 July Quarterly Report,
received 9/12/12

Report Line	Amended 2012 July Quarterly Report, received 7/18/12 (Image 12952522292)	Amended 2012 July Quarterly Report, received 9/12/12 (Image 12952908357)	Variance Amount
Line 17: Operating Expenditures	\$19,021.52	\$31,277.79	\$12,256.27
Line 21: Other Disbursements	\$0.00	\$180.00	\$180.00
Total:			\$12,436.27